

Remarks

A. Claims in the Case

Claims 1-136 are pending. Claims 1, 21, 31, 44 and 61 have been amended. Claims 21 and 44 have been amended to correct typographical errors. Claims 84-136 are new.

B. The Claims Are Not Anticipated By Sharman et al. Under 35 U.S.C. §102(b)

The Examiner has rejected claims 1-4, 28-34, 47-49, 58-64, and 76-83 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,586,310 issued to Sharman (hereinafter "Sharman"). Applicant respectfully disagrees with these rejections.

Sharman does not appear to disclose, teach, or suggest "setting the second validity flag to indicate that the second copy is invalid in response to modifying the first copy" (emphasis added) as recited in amended claim 1. Applicant respectfully notes the standard for "anticipation" is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F2d 1367, 231 USPQ 81, 91 (Fed.Cir. 1986); *In re Donahue*, 766 F2d 531, 226 USPQ 619, 621 (Fed.Cir. 1985).

Sharman discloses:

Whenever an update is made to the master copy that updated record, or even a complete copy of the updated file, could be propagated to each of the secondary copies. However, this is likely to cause a large amount of network traffic which could well negate any of the advantages provided by replication. In the present embodiment this problem is addressed by allowing a predefined degree of uncertainty in each of the secondary copies. To achieve this each of the secondary copies has an associated currency period, with the expiry time of that currency period stored in a CICS control file associated with that file. Until the currency expiry time has passed the secondary copy is assumed valid, irrespective of whether the master copy has been updated in the mean time. It is not necessary for a secondary copy to contain all the records in the primary copy, and it may

contain only those which are frequently needed at the secondary site. Thus, different secondary copies may contain different records. (Sharman, col. 4, lines 31-48).

The flags of the secondary copies in Sharman are not set to invalid in response to an update of the primary copy. Sharman actually teaches that the secondary copies may not have all of the updated records to be used. Instead, Sharman teaches a “currency expiry time” associated with each secondary copy. Sharman teaches “Until the currency expiry time has passed the secondary copy is assumed valid, irrespective of whether the master copy has been updated in the mean time (Sharman, col. 4, lines 41-44).” In contrast, amended claim 1 recites: “setting the second validity flag to indicate that the second copy is invalid in response to modifying the first copy (emphasis added).” At least the above-quoted feature of claim 1, in combination with the other features of the claim, does not appear to be taught or suggested by the cited art. Applicant requests removal of the anticipation rejection of claim 1 and the claims dependent thereon.

Amended claim 31 describes a combination of features, including: “set the second validity flag to indicate that the second copy is invalid in response to modifying the first copy.” At least the above-quoted feature of claim 31, in combination with the other features of the claim, does not appear to be taught or suggested by the cited art. Applicant requests removal of the anticipation rejection of claim 31 and the claims dependent thereon.

Amended claim 61 describes a combination of features, including: “setting the second validity flag to indicate that the second copy is invalid in response to modifying the first copy.” At least the above-quoted feature of claim 61, in combination with the other features of the claim, does not appear to be taught or suggested by the cited art. Applicant requests removal of the anticipation rejection of claim 61 and the claims dependent thereon.

C. Allowable Subject Matter

Claims 5, 35, 50 and 65 are objected to as being dependent upon a rejected base claim, but the Examiner indicated that the claims would be allowable if written in independent form including all limitations of the base claim and any intervening claims. Claims 6-27, 36-46, 50-56

and 66-75 are also indicated as allowable as dependent claims of claims 5, 35, 50 and 65. New claims 84, 107, 119, and 126 include the features of allowable claims written in independent form. Applicant respectfully submits claims 84-136 are allowable.

D. Additional Remarks

Based on the above, Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

A fee authorization form in the amount of \$1298.00 is enclosed for excess claim fees. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5053-23800/EBM.

Respectfully submitted,



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